

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a  
representative basis, and on behalf of all  
others similarly situated,

Plaintiff,

v.

ITS LOGISTICS, LLC,

Defendant.

Case No. 1:21-cv-000729-AWI-EPG

ORDER PERMITTING THE PARTIES TO  
FILE A SUPPLEMENT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

(ECF Nos. 21, 22, 23)

Plaintiff Keith Guthrie has filed an unopposed motion for preliminary approval of a class action settlement. (ECF Nos. 21, 22, 23). The Court held a hearing on August 16, 2022, noting various concerns about the proposed settlement, primarily its fairness and reasonableness, and advising the parties that they could address the issues discussed at the hearing, and other issues to be identified in a follow-up order, in a supplemental filing. (ECF No. 28). The Court also indicated that it may have additional questions from its review of the motion. The Court includes some additional questions below.

1. The parties' settlement agreement appears to provide for release for no compensation of certain claims that were not pled, *i.e.*, Cal. Lab. Code § 204 claims (not counting derivative § 204 PAGA penalties), and other claims that were pled, *i.e.*, unfair-and-unlawful-competition claims. The Court inquires why such claims are released for no compensation. (*See* ECF No. 22, p. 28).

2. The Court does not understand the rationale behind the March 9, 2020 start date for the

1 PAGA Period. (ECF No. 22, p. 5).

2 3. The Court does not understand how the PAGA estimated payment of \$31 per aggrieved  
3 employee was calculated? (*See* ECF No. 22, p. 6). (Taking the \$8,750 recovery amount and  
4 dividing it by 169 aggrieved employees yields approximately \$51.).

5 4. Regarding the notice, the Court inquires whether the notice may (a) be translated in any  
6 other languages (ECF No. 23, p. 28).; (b) correct the sentence stating that counsel “will ask for  
7 fees of one-third (\$87,500) of the Gross Settlement Amount as reasonable compensation,” to a  
8 request for a 25% fee (ECF No. 23, p. 47); (c) omit the requirement of the last four digits of their  
9 social security number, (ECF No. 23, p. 49); and (d) also provide an email address to which class  
10 members may send their opt-out notifications or objections to the settlement, (ECF No. 23, p. 49).

11 Accordingly, IT IS ORDERED that the parties are permitted to address these issues and  
12 those discussed at the hearing in a supplemental filing by no later than September 30, 2022.

13 IT IS SO ORDERED.

14 Dated: August 23, 2022

15 /s/ Eric P. Gray  
16 UNITED STATES MAGISTRATE JUDGE  
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